

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
No. 5:24-cv-00237-KDB-DCK**

LANCE WRIGHT AND SHAUNI WRIGHT,
for themselves, as private attorneys general, and
on behalf of all others similarly situated,

Plaintiffs,

v.

LOWE'S HOME CENTERS, LLC

Defendant.

**MOTION TO EXTEND TIME TO
RESPOND TO AMENDED COMPLAINT
AND SET BRIEFING DEADLINES**

Pursuant to Federal Rule of Civil Procedure 6(b) and Rule 7.1(a) of the Rules of Practice and Procedure of the United States District Court for the Western District of North Carolina, Defendant Lowe's Home Centers, LLC ("Defendant") and Plaintiffs Lance Wright and Shauni Wright, individually and on behalf of those similarly situated ("Plaintiffs"), (collectively, the "Parties") by and through their undersigned counsel, stipulate and agree as follows:

WHEREAS, Plaintiffs filed their original complaint on November 7, 2024. The Parties previously filed a Joint Motion for Extension of Time to Respond to Plaintiff's Complaint, which the Court granted. (Dkt. No. 13–14.) On February 7, 2025, Defendant timely filed its Motion to Dismiss Plaintiff's original complaint. (*Id.* at 21–22.) Pursuant to the Parties' first motion to extend and to set briefing deadlines, Plaintiff's opposition response to Defendant's Motion was due on March 14, 2025. However, on March 1, 2025, Plaintiff filed an amended complaint ("Amended Complaint"). (*Id.* at 25.)

WHEREAS, Plaintiff's Amended Complaint comprises of approximately 45 pages and 146 paragraphs. It contains new allegations concerning Defendant's products and pricing. (See, e.g., *Id.* at ¶¶ 3, 5, 17–18, 33, 38, 41, 48, 51–53, 89, 137.)

WHEREAS, Additionally, Plaintiff's counsel has also filed an amended complaint in another similar action before this Court, *Lovell v. Lowe's Home Centers, LLC*, WDNC Case No.: 5:24-cv-00238-KDB-SCR (together with this case, the "Related Matters"). Counsel for both parties are continuing to work together to informally coordinate the Related Matters so that they may further proceed most efficiently before this Court.

WHEREAS, Good cause exists for a further extension, to allow Defendant to investigate and respond to the Amended Complaints in both Related Matters.

WHEREAS, the Parties are now stipulating to extend Defendant's deadline to respond to the Complaint by 30 days, to April 4, 2025.

WHEREAS, this is the third request for an extension of Defendant's deadline to respond, and this request is not being made for the purposes of delay or any other improper purposes.

WHEREAS, it is agreed by the Parties that nothing in this stipulation shall be interpreted as a waiver of any defense available to Defendant in this action.

WHEREAS, pursuant to LCvR 7.1(c), no brief is required in support of this motion, as it is a timely motion for extension of time.

THEREFORE, the Parties respectfully and jointly move that Defendant's deadline to respond to Plaintiff's Amended Complaint shall be extended to April 4, 2025.

FURTHER, the Parties request that this Court proceed with setting the remaining of the briefing schedule following Defendant's response. Specifically, the Parties request that Plaintiff has until May 19, 2025 to oppose, and Defendant has until June 16, 2025 to reply.

CONCLUSION

For the foregoing reasons, the Parties respectfully request that this Court grant Defendant an extension of 30 days to answer or otherwise respond to Plaintiff's Amended Complaint, thereby making Defendant's responsive pleading due on or before April 4, 2025. The Parties request that Plaintiff has until May 19, 2025 to oppose, and Defendant has until June 16, 2025 to reply.

Respectfully submitted on March 7, 2025.

/s/ Daniel M. Hattis

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